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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,303	07/05/2003	Chuck Chang	MR2549-59	8257
4586	7590	08/30/2004	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			MEISLIN, DEBRA S	
			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 08/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/614,303

**Applicant(s)**

CHANG, CHUCK

**Examiner**

Debra S Meislin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,10,11 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's election of species "a", figures 1-7 and 9 in the reply filed on July 28, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 12 and 14-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5-7, and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Taiwan Patent No. 488354.

Note figure 42 (page 6336) and figure 46 (6337). With respect to claim 6, the shank is provided with "an indication portion" (e.g., the slotted area located longitudinally along the shank) located adjacent to the receiving slot of the shank, as broadly claimed by applicant. With respect to claim 7, the resistance member top and bottom portions are locked in the handles due to the pin extending within the slot "23". With respect to claim 13, the receiving slot has a length smaller than that of the indication portion, as broadly claimed by applicant.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Macor (6092442).

See figure 8.

5. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Woods, Wuilmart, or Grabovac.

Note that the threaded portion "36" of Woods constitutes a resistance member, as broadly claimed by applicant. The threaded portion of Wuilmart or Grabovac constitutes a resistance member, as broadly claimed by applicant.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macor (6092442) in view of Woods or Grabovac.

Macor discloses all of the claimed subject matter except for having an indication portion having a plurality of size indication marks. Woods and Grabovac disclose an indication portion having a plurality of size indication marks. It would have been obvious to one having ordinary skill in the art to form the device of Macor with an indication portion having a plurality of size indication marks to allow for the indication of force values as taught by Woods or Grabovac.

8. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macor (6092442) in view of Lee.

Macor discloses all of the claimed subject matter except for having a protruding stop mark formed with a positioning hole for the stop mark. Lee discloses a protruding

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stop mark "38" formed with a positioning hole for the stop mark. The stop mark of Lee is an obvious mechanical equivalent to the stops of Macor. It would have been obvious to one having ordinary skill in the art to form the stops (at the heads) of Macor as a protruding stop mark formed with a positioning hole to prevent the further movement of the sleeve as taught by Lee and as such would have been an obvious mechanical equivalent to the stops of Macor.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macor (6092442) in view of Hsiao.

Macor discloses all of the claimed subject matter except for having a protruding stop mark. Hsiao discloses a protruding stop mark "17". The stop mark of Hsiao is an obvious mechanical equivalent to the stops of Macor. It would have been obvious to one having ordinary skill in the art to form the stops (at the heads) of Macor as a protruding stop mark to prevent the further movement of the sleeve as taught by Hsiao and as such would have been an obvious mechanical equivalent to the stops of Macor.

10. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, "the indication portion" lacks antecedent basis.

11. Claims 3 and 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 703 308-3671. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin  
Primary Examiner  
Art Unit 3723

August 26, 2004